

Appl. No.: 10/692,569
Amdt. Dated June 5, 2006 June 5, 2006
Reply to Office Action dated February 3, 2006

Remarks/Arguments

Claims 11-23 remain in this case

Claims 11-18 stand provisionally rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 31 of copending application No. 10/737,006. A Terminal Disclaimer is submitted herewith to overcome the provisional obviousness-type double patenting rejection.

Claims 11-12, 14, 16-17, 19-20 and 22-23 stand rejected under 35 USC 103(a) as being unpatentable over Wright et al. (US 4,864,618) in view of Bhatt. Bipin G (EP 900830). For the reasons set forth below, this rejection is respectfully traversed. Because of the Examiner's use of the Bhatt reference, i.e., for the purpose of teaching that an invisible ink is a fluorescent ink, Applicants submit that the Examiner has failed to understand the scope of the instant invention. The instant invention has nothing to do with invisible ink.

The rejection of independent claim 11 is respectfully traversed because there is no teaching or suggestion to be found in Wright et al. for "a print head system adapted to print at least two different inks onto the item, the print head system comprising a first supply of a first ink having a first color under normal daylight and a second supply of a second different ink, **the second different ink having a second color under a normal daylight which is substantially the same as the first color**". Nor is there any teaching or suggestion to be found in Wright et al. for "a controller for controlling application of the first and second inks by the print head system on the item, wherein the controller is adapted to print the first and second inks in at least partially **Intermixed patterns such that the patterns of the first and second inks are substantially visually indiscernible within the indicium in normal daylight**".

In paragraph 4 of the Office Action, the Examiner supports the rejection with the following remarks (emphasis added):

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Page 2 of 6

PAGE 7/11 * RCVD AT 6/5/2006 4:19:26 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/7 * DNIS:2738300 * CSID:203 924 3919 * DURATION (mm-ss):03-16

Appln. No.: 10/692,569
Amdt. Dated June 5, 2006 June 5, 2006
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Re claims 11-12, 16-17, 19-20 and 22-23: Wright teaches a system for printing an indicium on an item, the system comprising: a print head system adapted to print at least two different inks onto the item, the print head system comprising a first supply of a first ink having a first color under normal daylight and **a second supply of a second different ink, the second different ink having a second color under a normal daylight which is substantially the same as the first color, and wherein the second ink comprises a fluorescent ink** (see abstract, lines 7-12); and

a controller ("The printer 40 has a microprocessor unit (printer MPU) 41 which individually and uniquely controls the operation of a print head 42..." col. 8, lines 23-26) for controlling application of the first and second inks by the print head system on the item, **wherein the controller is adapted to print the first and second inks in at least partially intermixed patterns such that the patterns of the first and second inks are substantially visually indiscernible within the indicium in normal daylight** ("In the invention, an underlying and/or invisible machine readable code is printed first and may then be overprinted with the human readable postmark" col. 12, lines 38-40; col. 12, lines 55-58, which is interpreted as partially intermixed patterns), and the second pattern of the second ink is discernible from the first pattern when subjected to fluorescent-exciting radiation col. 12, line 27 through col. 13, line 50; col. 7, line 40 through col. 9, line 50).

Applicants respectfully disagree with the Examiner's remarks. Wright et al. neither teach nor suggest the instant invention as described by claim 11. In fact, Wright et al. teach against the present invention because Wright et al. teach that the second ink is invisible ink, not an ink having a second color under a normal daylight which is substantially the same as the first color.

In lines 7-12 of the Abstract to which the Examiner refers, Wright et al teach (emphasis added):

The modular printer unit includes a first supply of visible ink and **a second supply of invisible ink**, and an internal program for **printing the value indicia with visible ink and an authentication code**, which uniquely corresponds to the value indicia, **with invisible ink**.

Furthermore, at col. 12, line 27 to col. 13, line 50, upon which the Examiner relies, Wright et al. teach a postmark authentication that comprises an underlying and/or invisible machine readable code that is printed first and then be overprinted with a human readable postmark. See col. 12, line 38 to col. 13, line 4 (emphasis added):

Appln. No.: 10/692,569

Amdt. Dated June 5, 2006 June 5, 2006

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In the invention, an underlying and/or invisible machine readable code is printed first and may then be overprinted with the human readable postmark. Further, the code can be printed with ink that is invisible in the normal light spectrum, so that it is readable only with a magnetic, infrared, or ultraviolet reader.

Referring to an example shown in FIGS. 6a and 6b, a conventional Imprinted postmark has a logo or graphic design 70, text 71 indicating that the postage is issued through the U.S. Postal Service, numbers 72 indicating the postage amount, as well as the date 73, and zip code 76 indirectly identifying the city and state of origin, and the identification number 77 of the postage meter from which the postmark was printed. In the invention, coded marks 78 are printed within the visible postmark in a predetermined code field 79 in either visible or invisible, human or machine readable ink. Even if the coded marks are printed in visible form, the encryption of a variable postmark element, such as the sender's zip code, date, or postage amount, will make copying difficult.

Further, see col. 13, lines 23-31 (emphasis added):

In the preferred form, the print head 42 is an impact printer which has two ink ribbons 42a and 42b, one of invisible, machine readable ink and the other of visible ink. When the handshake procedure has been completed, and the print command issued by the card MPU 60, the printer MPU 41 accesses the data stored in the memory 43 and, in a first pass, prints the coded marks in invisible ink then, in a second pass, prints the visible postmark information.

Thus, Wright et al. do not teach or suggest "a print head system adapted to print at least two different inks onto the item, the print head system comprising a first supply of a first ink having a first color under normal daylight and a second supply of a second different ink, the second different ink having a second color under a normal daylight which is substantially the same as the first color".

The Instant Invention provides a way to hide information in a printed indicium. According to claim 11, a system for printing an indicium includes a controller is adapted to print the first and second inks in at least partially intermixed patterns such that the patterns of the first and second inks are substantially visually indiscernible within the indicium in normal daylight. By definition, the term indiscernible means incapable of being discerned or not recognizable as distinct. Wright et al. do not teach or suggest such a system. To the contrary, the foregoing excerpts of Wright et al. are

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Appln. No.: 10/692,569
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evidence that Wright et al. teach against printing at least partially intermixed patterns such that the patterns of the first and second inks are substantially visually indiscernible within the indicium in normal daylight, because Wright et al. teach either overlay printing and/or printing with invisible ink, or printing distinct marks with the two different inks. Clearly, Wright et al. do not teach or suggest printing intermixed patterns that are substantially visually indiscernible within the indicium in normal daylight.

The Bhatt reference is used by the Examiner only for teaching an invisible ink is a fluorescent ink. Since an invisible ink teaches against the instant invention, the Bhatt reference does not support the rejection.

The rejection of independent claim 19 is respectfully traversed because there is no teaching or suggestion to be found in Wright et al. for "printing a second pattern on the item at the first pattern with a second different ink, wherein the second different ink comprises a fluorescent ink having a substantially same color as the first ink under normal daylight, wherein the first and second patterns are substantially visually indiscernible within the indicium under normal daylight, and wherein the second pattern is discernible from the first pattern when subjected to a fluorescent-exciting illumination source". The foregoing arguments traversing the rejection of claim 11 apply to traversing the rejection of claim 19 as well.

Claims 12, 14 and 16-17 depend from independent claim 11. Claims 22-23 depend from independent claim 19. For at least the reasons set forth above for independent claims 11 and 19, Applicants respectfully submit that claims 12, 14, 16-17 and 22-23 are allowable along with claims 11 and 19 and on their own merits.

Claim 13 stands rejected under 35 USC 103(a) as being unpatentable over Wright et al. (US 4,864,618) in view of Parkos (US 5,912,682). For the reasons set forth below, this rejection is respectfully traversed.

Appln. No.: 10/692,569
Amdt. Dated June 5, 2006 June 5, 2006
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Claim 13 depends from independent claim 11. For at least the reasons set forth above for independent claim 11, Applicants respectfully submit that claim 13 is allowable along with claim 11 and on its own merits.

Claims 15, 18 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Wright et al. (US 4,864,618) in view of Soules et al. (US 5,067,713). For the reasons set forth below, this rejection is respectfully traversed.

Claims 15 and 18 depend from independent claim 11. Claim 21 depends from independent claim 19. For at least the reasons set forth above for independent claims 11 and 19, Applicants respectfully submit that claims 15, 18 and 21 are allowable along with claims 11 and 19 and on their own merits.

In summary, for at least the above reasons, Appellant respectfully submits that the rejections as to claims 11 and 19 are in error and should be reversed. Claims 12-18 and 20-23 are dependent upon claims 11 and 19 respectively and therefore the rejections with respect to these claims should also be reversed.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,



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Page 6 of 6